

**RESOLUTION Z-12-06**

*A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR A SPECIAL EXCEPTION TO ALLOW MATERIALS RECOVERY, RECYCLING AND COMPOSTING IN AN MS (MANUFACTURING SERVICES) DISTRICT WITH AN INDUSTRIAL LAND USE DESIGNATION ON APPROXIMATELY 2.4 ACRES LOCATED AT 5008 SW 41<sup>ST</sup> BOULEVARD ON TAX PARCEL NUMBERS 07240-001-017 AND 07240-001-004*

WHEREAS, Zoning Application ZOX-01-12 has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of June 20, 2012; and,

WHEREAS, the Alachua County Board of County Commissioners considered this zoning item at its regular meeting of July 10, 2012;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application ZOX-01-12, a request by Clay Sweger of Eng, Denman & Associates, Inc., agent for Radar of Gainesville, Inc., owner, for a special exception to allow materials recovery, recycling and composting in an MS (Manufacturing Services) zoning district with an Industrial land use designation on approximately 2.4 acres located at 5008 SW 41<sup>st</sup> Boulevard on Tax Parcel numbers 07240-001-017 and 07240-001-004, as summarized in Exhibit A in this resolution, is hereby approved with the following conditions and bases:

## **Conditions**

1. This special exception is issued for a materials recovery and recycling facility on parcel number 07240-001-017 and 07240-001-004. Materials accepted at this site for processing shall be limited to 'Construction and Demolition Debris' and 'Class III Waste' as defined in Rule 62-701 of the Florida Administrative Code (F.A.C.)
2. Hours of operation shall be no earlier than 6 a.m. nor later than 7 p.m., seven days a week.
3. The applicant shall provide the Alachua County Public Works Department with a volume report showing, by month, the amounts and types of materials received at the facility, including wastes that are extracted from the waste stream and recycled or volumes of waste sent to off-site disposal. At a minimum, the report will be provided on an annual basis.

## **Bases**

**1. Policy 4.1.2** of the Future Land Use Element states that *A range of choice in land areas and locations for the different types of industry shall be provided to meet the anticipated expansion of industry in the County and to meet the objectives of the Economic Element of this Plan. Sufficient area for industrial land use shall be identified in appropriate locations on the Future Land Use Map in an effort to create a supply of land which has the proper zoning already in place, which is therefore immediately available for such uses. The County shall identify a number of potential locations with suitable infrastructure, including parcels with rail access, interstate access, or proximity*

*to cargo terminals, and suitable environmental characteristics for such uses. Procedures and standards to facilitate development review shall be adopted as part of the land development regulations to implement this policy. Such standards and procedures shall be reviewed on an annual basis to determine their effectiveness in protecting public health and the environment, and facilitating permitting.*

The parcel in question is has an existing heavy industrial land use designation as well as an 'MS' (Manufacturing/services) zoning district. As such, it is immediately available for use should the proposed special exception be approved. There is ready access both from Williston Road as well as I-75. The proposed use is ancillary to existing waste recovery facilities located to the east and north of the site. It therefore represents the expansion of an existing use.

**2. Policy 4.1.3** of the FLUE states that *Industrial locations and proposed uses shall be consistent with the Conservation and Open Space Policies of Alachua County.* Comments from the Environmental Protection Department (EPD) state that there will be no impacts to environmental resources as a result of this request. The proposed use is therefore consistent with the COSE Policies found in the Plan. The 20% open space requirement found in the Plan and implemented in the ULDC will be met at the time of development plan approval.

**3. Policy 4.1.4** of the FLUE states that *Industrial operations shall eliminate or, where possible, minimize the following impacts on public health and the environment:*

(a) *erosion;*

- (b) *noise;*
- (c) *odor, fumes, vapors and gases;*
- (d) *fire and explosion hazards;*
- (e) *radioactive elements;*
- (f) *electromagnetic interference;*
- (g) *smoke, dust, particulate matter, and dirt;*
- (h) *vibrations;*
- (i) *glare;*
- (j) *toxic wastes.*

The proposed recycling facility will accept either C&D or Class III materials (see the description portion of this report for an exact definition of those materials). The majority of these materials are inert and will not generate harmful byproducts of the types mentioned in this policy. The applicant has stated that gypsum wall board, should it get wet, does have the potential to cause odors. The processing and recycling of materials therefore has the ability to cause noise, odor, smoke/dust and vibrations. However, the intent of this policy is to eliminate or, where possible, minimize these impacts on the surrounding area. The location of this site, behind an existing facility owned by the applicant, will mitigate these impacts to a great extent by removing them from surrounding uses, especially those located to the east across 41<sup>st</sup> Blvd.

The processing of the material brought to this site will occur mainly by workers hand separating materials to be recycled from the Class III and C&D materials brought to the site. The noise, dust and vibrations from this activity are therefore limited. In addition, there will be additional impacts from vehicles hauling containers to and from the site. However, it is staff's determination that the increased level of traffic will not be sufficient to cause adverse impacts to surrounding uses.

**4. Policy 4.2.1 (Policy 4.4.1 language is identical)** states that *Industrial uses shall not be located adjacent to residential or agricultural areas without adequate buffering or integrating design and business practices to eliminate or minimize adverse impacts. Land use decisions concerning location of industrial uses shall take into consideration environmental justice.*

The parcel is surrounded on all sides by Industrial land uses. The closest residential subdivision is located on the south side of Williston Road (Gainesville Country Club). The proposed site is adjacent to existing facilities owned and operated by the applicant. Parcels to the south also have a heavy industrial land use designation and contain manufacturing facilities compatible with the proposed use.

**5. Objective 4.4. (Heavy Industrial)** states that *The Heavy Industrial Future Land Use is established to accommodate traditional industrial uses that are dependent on transportation and large volumes of raw materials. Heavy Industrial uses have unique potential impacts on surrounding lands including noise, odor, smoke, vibration and other hazards. Heavy Industrial uses shall be located to provide the most efficient provision of*

*services while minimizing potential impacts to adjacent development and environmental features.*

The parcel that is the subject of this request has a heavy industrial land use designation. Objective 4.4 of the Plan acknowledges that, as such, there may be certain impacts to surrounding land uses from permitted uses within this land use designation (such as odors, noise, etc). In the case of this application, the applicant has stated that such impacts will be minimal. The location of this site, behind an existing facility owned by the applicant, will mitigate these impacts to a great extent by removing them from surrounding uses. The processing of the material brought to this site will occur mainly by workers hand separating materials to be recycled from the Class III and C&D materials brought to the site. The noise, dust and vibrations from this activity are therefore limited. In addition, the location of the proposed site, off of 41<sup>st</sup> Blvd., will further help to minimize adverse impacts that may arise as a result of this request being granted. Staff therefore finds that the request for a materials recovery and recycling facility is consistent with Objective 4.4 of the Future Land Use Element as the location of the facility provides efficient provision of services while minimizing impacts to surrounding uses.

**6. Policy 4.5.1** of the Future Land Use Element states that *Industrial facilities in the urban cluster shall group together in planned industrial districts on sites capable of being expanded and developed in stages. Criteria for permitting industrial development shall include but are not limited to:*

- (a) *topography and soils-land having stable, well-drained soils, free from flooding;*
- (b) *climate--prevailing wind direction that does not impact adjacent residential areas;*
- (c) *accessibility--access to arterials and highways and, where possible, rail facilities;*
- (d) *utilities--availability of water, sewer, electricity or natural gas in adequate quantities;*
- (e) *size--large enough for proper site design.*

Staff has analyzed the site using the most recent data available and determined that the site is not prone to flooding. The new use as a recycling facility is expected to generate minimal odors as the materials to be use are Class III or C&D debris which do not generate significant odors (except as previously noted regarding wet gypsum board). The site is surrounded by industrial land uses and the nearest residential development is the Gainesville Country Club, which is located approximately ½ mile away on the south side of Williston Road.

The site is immediately accessible to I-75 and Williston Road. As reported in the LOS section of this report, the proposed use will not cause adopted levels of service to be exceeded. The site, while not large (2.4 acres in total) is adequate for the proposed use.

**7. Policy 4.5.2** states that *Industrial sites shall be designed to provide for:*

- (a) *adequate off-street parking to meet the needs of the operation;*

- (b) *adequate buffering along roadways and adjacent uses to minimize the effects of lighting, noise and signing.*

Parking for employees using this site is provided elsewhere on the property owned by the applicant. The parcel to the west is undeveloped while the parcel to the east is owned by the applicant. Property to the north has a similar use and buffering is not required. Parcels to the south have a similar heavy industrial land use designation and contain manufacturing facilities for pre-stressed concrete structures. Any buffering required to the south will be implemented as part of the development review process.

**8. Policy 4.6.1** states that *Industrial development shall be located only in areas where adequate facilities and services exist or will be provided prior to occupancy. These facilities include, but are not limited to:*

- (a) *roadways.*
- (b) *fire service.*
- (c) *water supply.*
- (d) *street lighting.*
- (e) *solid waste collection and disposal.*
- (f) *sewage collection and disposal.*
- (g) *storm water drainage and disposal.*
- (h) *emergency medical service.*



**Policy 4.6.2** states that *New industrial development shall meet all of the requirements for adequate facilities based on the level of service standards for those facilities and concurrency provisions of the Plan.* As shown in the LOS section of this report, facilities are adequate to handle the proposed request, which is expected to have minimal impacts to public facilities.

**9. Policy 7.1.2** of the Future land Use Element states that *Proposed changes in the zoning map shall consider:*

- a. *consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan*
- b. *the availability and capacity of public facilities required to serve the development. When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1 of the Potable Water and Sanitary Sewer Element.*
- c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice and redevelopment opportunities.*

- d. *those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the range of densities and intensities permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare.*

As shown elsewhere in this report, the proposed facility is consistent with the goals, policies and objectives of the Plan. Furthermore, analysis in the LOS section of this report shows that adopted levels of service as found in the Plan will not be exceeded by this request. The parcel that is the subject of this request is surrounded by other properties with a heavy industrial land use designation. The introduction of the proposed use (recycling processing) is not incompatible with the existing uses immediately adjacent to the site and is similar in nature to the materials processing already occurring to the east and north of this site.

**10. Section 402.113** states that *“the Board of County Commissioners shall, as part of a decision to approve an application for a special exception, make a finding that the application complies with both the general criteria and the review factors”* as follows:

*(a) The proposed use is consistent with the Comprehensive Plan and ULDC;*

*(b) The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;*

*(c) The proposed use shall not adversely affect the health, safety, and welfare of the public.*

As shown in this report, the proposed use is consistent with the goals, policies and objective of the Plan, in particular the policies found in the 'Industrial' section of the Future Land Use Element. The land use is heavy industrial and the parcel is surrounded by other industrial uses. While there will be some impacts from the proposed use, these are mitigated in the greater part by the location of the proposed recycling facility away from 41<sup>st</sup> Blvd. behind the existing Watson Facility.

**11. Section 402.113(d)** states that special exceptions shall address the following specific issues:

- 1. ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;*

The site has existing ingress and egress that will be adequate to serve the proposed use. It will not be open to the public.

- 2. off-street parking and loading areas where required, with particular attention to item 1 above;*

On-site parking is not required. Any required parking can be accommodated on the existing Watson Facility to the east of the site.

- 3. the noise, glare or odor effects of the special exception on surrounding properties;*

As stated in the report, limited noise and odor will occur as a result of this proposed special exception. This will be mitigated in part by the location of the facility away from NW 41<sup>st</sup> Blvd. Surrounding properties are also industrial in nature with a similar land use designation,

- 4. refuse and service areas, with particular reference to location, screening and items 1 and 2;*

The proposed facility will serve as a sorting area for recyclable materials. The operation, as shown on the proposed site plan, will encompass the majority of the 2.4 acre site when both phases are complete. There are two proposed ingress/egress roads onto the site. Screening requirements are those found in the ULDC for the MS zoning district and the site plan shows proposed setbacks and buffers as required.

- 5. utilities, with reference to location and availability;*

Existing utilities are adequate to meet any limited demands that may occur at the site.

- 6. screening and buffering with reference to type, dimensions and character;*

The facility will use existing buffering whenever possible. The owner shall comply with additional buffering requirements if these are identified during site plan review.

- 7. signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;*

The applicant has stated that no signage will be used. Any signs if proposed shall meet the Alachua County sign ordinance.

- 8. required yards and other open space;*

The applicant shall comply with all open space and setback requirements as found in the ULDC.

- 9. general compatibility with surrounding properties; and*

The surrounding properties are also industrial in nature. As shown elsewhere in this report, the proposed use as is not out of character with these properties.

- 10. any special requirements set forth in this ULDC for the particular use involved.*

The applicant shall comply with any additional ULDC requirements as identified during the site plan review process as well as the conditions imposed as part of this special exception to ensure compatibility with surrounding uses and to ensure that the public health, safety and welfare are maintained.

DULY ADOPTED in regular session this 10<sup>th</sup> day in July, A.D., 2012.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_

Paula M. DeLaney, Chair

ATTEST:

\_\_\_\_\_

J. K. Irby, Clerk

APPROVED AS TO FORM

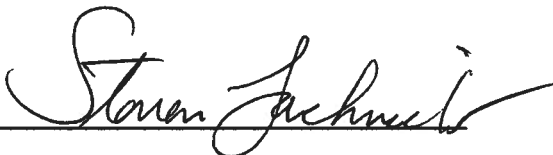
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Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS

  
\_\_\_\_\_

Department of Growth Management

Authorized Designee

# EXHIBIT A

## LEGAL DESCRIPTION

### PARCEL 1

COMMENCE AT THE NORTHWEST CORNER OF THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN SOUTH 39°44'41" EAST, A DISTANCE OF 1195.21 FEET; THENCE RUN NORTH 83°57'50" EAST, A DISTANCE OF 3803.72 FEET; THENCE RUN SOUTH 14°41'23" WEST, A DISTANCE OF 247.20 FEET; THENCE RUN NORTH 49°57'21" EAST, A DISTANCE 947.10 FEET; THENCE RUN SOUTH 10°10'42" EAST, A DISTANCE 567.00 FEET; THENCE RUN NORTH 34°03'59" EAST, A DISTANCE 165.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 54°03'59" EAST, 208.44 FEET; THENCE RUN SOUTH 35°56'01" EAST, A DISTANCE OF 220.04 FEET; THENCE SOUTH 53°48'44" WEST, A DISTANCE OF 135.55 FEET; THENCE RUN NORTHWESTERLY WITH A CURVE CONCAVED NORTHEASTERLY, SAID CURVE HAVING A CENTRAL ANGLE OF 72°53'43", A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 31.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89°44'24" WEST, A DISTANCE OF 29.70 FEET; THENCE RUN NORTHWESTERLY WITH A CURVE CONCAVED SOUTHWESTERLY SAID CURVE HAVING A CENTRAL ANGLE OF 64°38'35", A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 67.69 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 85°36'51" WEST, A DISTANCE OF 64.16 FEET; THENCE RUN NORTH 35°56'01" WEST, A DISTANCE OF 161.59 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 1.00 ACRES, MORE OR LESS.

### PARCEL 2 (ACCORDING TO ALACHUA COUNTY PROPERTY APPRAISER)

GARY GRANT-COM NW COR OF GRT S 39 DEG E 1195.21 FT N 83 DEG E 3803.72 FT S 14 DEG W 247.20 FT N 49 DEG E 947.10 FT S 10 DEG E 200 FT N 63 DEG E 660.25 FT TO WLY R/W/L SW 41ST BLVD S 21 DEG E ALG R/W/L 230 FT TO POB S 54 DEG W 381.01 FTS 35 DEG E 220.04 FT S 53 DEG W 135.55 FT NWLY ALG CURVE CONT NELY 31.81 FT NWLY ALG CURVE CONT SWLY 67.69 FT N 35DEG W 161.59 FT S 54 DEG W 165 FT S 10 DEG E 324.57 FT N 53 DEG E 827.81 FT TO WLY R/W/L SW 41ST BLVD NWLY ALG CURVE OF R/W/L 156.58 FT N 21 DEG W 139.98 FT TO POB (LESS COM 950 FT M/L NW OF INT S/L SW 41ST BLVD & W/L SR 331 POB S 53DEG W 327.27 FT N 35 DEG W 220.04 FT N 54 DEG E 381.01 FT S 21 DEG E 139.98 FT SELY ALG CURVE 85.13 FT TO POB PEROR 1954/2811)(LESS COM NW COR GARY GRANT S 39 DEG E 1195.21 FT N 83 DEG E 3803.72FT S 14 DEG W 247.20 FT N 49 DEG E 947.10 FT S 10 DEG E 567 FT N 54 DEG E 754.45 FT S 21 DEG E 139.98 FT SELY ALG CURVE 146.39 FT POB SELY ALG CURVE 10.18FT S 53 DEG W 564.18 FT N 36 DEG W 21.27FT NELY ALG CURVE 37.37 FT N 53 DEG E 531.71 FT POB PER OR 2208/2889) OR 1147/0609 OR 1436/0820 & OR 1734/1781